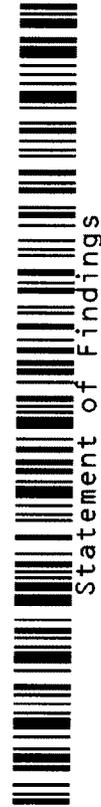


Statement of Findings

Number: 2007-5635



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14 August 2008

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation
District 2
Attn: Van Humphreys
1901 South Marion St.
Lake City, Florida 32035

2. Location, Project Description, Existing Conditions: The project is located along State Road 13 South over Sixteen Mile Creek, in Section 38, Township 09 South, Range 28 East, Hastings, St. Johns County, Florida.

Directions to the site are as follows: From the intersection of State Road 207 and County Road 13 proceed south on County Road 13 for approximately 3.6 miles. The bridge is located just east of Cracker Swamp Road.

The applicant proposes to permanently impact 0.65 acres of waters of the United States (wetlands and surface waters) by dredging and filling for the relocation and replacement of the existing County Road 13 South bridge over Sixteen Mile Creek. The new bridge would shade 0.43 acres of waters of the United States by converting the forested canopy to herbaceous wetland system. Additionally the bridge replacement would require temporary impacts to 0.53 acres of wetlands during construction.

The existing bridge is a timber pile supported structure with varying numbers of piles in each bent. The wetland communities found within the project area includes the open waters of the creek, a borrow area that has re-vegetated into freshwater marsh, and the adjacent mixed forested floodplain wetlands. Vegetation in the mixed forested wetland includes water oak, bald cypress, and American elm.

3. Project Purpose: Basic: Replacement of an existing bridge.

Overall: Relocation and replacement of the existing County Road 13 South bridge over Sixteen Mile Creek.

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4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-109-113207-1 was issued on 12 August 2008.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The application was received on 5 September 2007. The application was considered complete on the same date. A public notice was issued on 9 October 2007, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 26 October 2007, the NMFS had no objection to the proposed project.

(4) State Historic Preservation Officer (SHPO): By letter dated 20 November 2007, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for

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listing, in the National Register of Historic Places, or otherwise of national, state, or local significance. SHPO requested the completion of a Florida Master Site File form for this bridge due to its age and pending replacement.

SHPO provided a second letter dated 13 May 2008, stating they have determined the bridge is ineligible for listing in the National Register of Historic Places and that no historic properties will be affected by the proposed undertaking.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: SHPO's comments were forwarded to the applicant and the applicant completed the requested form. The form was forwarded to SHPO via letter 4 April 2008. No additional comments have been received from SHPO.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The project purpose does not allow for flexibility of multiple alternatives for the proposed project. The replacement of the existing bridge over Sixteen Mile Creek is required to address safety issues. Only two alternatives including the no action alternative and the bridge replacement alternatives were evaluated. The no action alternative would not replace the bridge and would generate an even greater hazard to vehicular traffic since the bridge has structural concerns. The replacement alternative would be to physically remove and construct the bridge at its current location. This alternative would not include major changes to the existing road alignment which reduces impacts to regulated resources. The replacement of the bridge in its current location is the least damaging alternative.

b. Minimization (modified project designs, etc.): The applicant proposes impacts to construct a temporary bridge that will allow for continuous traffic flow. The construction of a temporary bridge will allow for in-line replacement of the structure eliminating the need for a shifted alignment, thereby reducing impacts to regulated resources. Further, the new bridge is designed to minimize contact with the wetland areas and surface waters. The applicant has evaluated the use of a detour to

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maintain traffic flow during construction and it was determined not to be feasible.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant has completed a Wetland Rapid Assessment Procedure to determine the functional loss associated with the proposed project. The applicant has determined 0.67 functional units of loss would occur as a result of direct impacts and 0.14 functional units of loss would result from temporary impacts. A total of 0.81 functional units would need to be replaced to ensure no net loss of functional value. The applicant has proposed compensatory mitigation to offset all unavoidable impacts to Corps jurisdictional wetlands. Wetland impacts will be mitigated pursuant to the Senate Bill 1986 Rule - Section 373.4137 Florida Statutes (F.S.). The compensatory mitigation plan # 212382 is defined in the 2007 SJRWMD FDOT MITIGATION PLAN, Mitigation Project Group SJ12. Mitigation will include the acquisition of lands adjacent to previously acquired Yarborough and Edgfield properties. The acquisition will include at least 5 acres of wetlands.

The applicant will be required to re-grade temporary impacted wetland areas to pre-existing contours. Additionally, the applicant will control nuisance and exotic vegetation within restored areas for a period of 5 years.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

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b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: The public need includes safe public transportation, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. Private need includes access to privately owned lands.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The U.S. Army Corps of Engineers has determined the project as proposed will have no effect to federally listed species. All impacts will be temporary in nature and wetlands will be restored upon completion of work. This determination is supported by the lack of comments from FWS.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. The NMFS did not provide any EFH conservation recommendations in

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response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Cumulative and secondary impacts would not be unacceptable. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur. Cumulative impacts would be reduced by the completion of compensatory mitigation within the same drainage basin. The applicant will incorporate Best Management Practices to reduce potential secondary impacts.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. The applicant has completed all forms requested by SHPO. No adverse impacts will occur to sites regulated by SHPO.

11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

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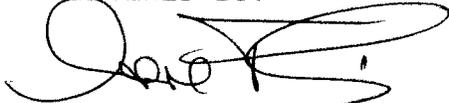
d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

PREPARED BY:



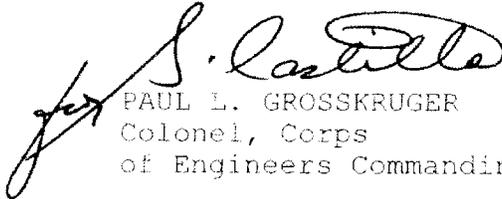
ANDREW W. PHILLIPS
Project Manager

REVIEWED BY:



IRENE F. SADOWSKI
Chief, Cocoa Permits
Section

APPROVED BY:



PAUL L. GROSSKRUGER
Colonel, Corps
of Engineers Commanding

CF:

CESAJ-RD-PE